

EXHIBIT D


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
077413,395	09/27/89	GREENSPAN	1286

 TIMOTHY J. MARTIN
44 UNION BLVD., STE. 620
LAKEWOOD, CO 80228

EXAMINER

SPEAR, J

ART UNIT

PAPER NUMBER

152

4

DATE MAILED:

06/18/90

 This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

 A shortened statutory period for response to this action is set to expire 3 month(s), _____ day(s) from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133
Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-18 are pending in the application.
Of the above, claims 16-18 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-15 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

PTOL-326 (Rev. 9-88)

LPM 000177

Serial No. 413,395

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This action is in response to the election with traverse of claims 1-15 submitted May 17, 1990 by Timothy J. Martin. The applicants' arguments have been considered but they are not deemed to be persuasive.

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claim 1 is rejected under 35 U.S.C. 103 as being unpatentable over Coleman, The Citrus Industry Pub., November 1975.

Coleman shows a lotion hand cleaner comprising approximately 57% d-limonene, moisturizer (lanolin) and emulsifying agents (Arlacel and Tween). Although distilled citrus oil (94% d-limonene) is used it would be obvious to use orange oil, if it were not the source in this case. Page 24-25.

Claim 2 is rejected under 35 U.S.C. 103 as being

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unpatentable over Coleman as applied to claim 1 above,
and further in view of Dellutri US 4,620,937.

Dellutri shows a skin cleaner comprising d-limonene
and further comprising aloe vera. To use aloe vera in
the Coleman invention would be obvious since both
inventors teach hand cleaners of similar compositions
containing moisturizers. Col. 1, lines 60-65. Col. 3,
lines 23-28.

Claims 3-7; 9-15 are rejected under 35 U.S.C. 103
as being unpatentable over Coleman and Dellutri as
applied to claim 2 above, and further in view of Juliano
et al US 4,014,995.

Juliano for claim 3 shows compositions for use on
the skin containing oat flour. Juliano further shows
oat flour as an emulsifier. Col. 1, lines 34-40. Col.
3, lines 16-25. To use the oat flour in the invention
described above would be obvious in as much as the use of
emulsifiers is a well recognized art. Nothing unobvious
is seen by using oatmeal in claim 4, since oatmeal by
definition is ground oats of a larger particle size than
flour.

For claim 5 both Dellutri and Juliano teach
compositions having a pH of 5.5. Juliano col. 2, lines
3-13, col. 3, lines 5-15. Dellurtri col. 3, lines 52-59.

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The motivation to produce cleaning compositions for use on the skin arises from the teachings of Coleman, Dellutri, Juliano and Jones who suggest the desirability to prepare cleaners comprised of orange oil having enhanced cleaning properties. The formulations are non-toxic, stable and non irritating to the skin. Claims 1-5 are rejected.

The Group and/or Art Unit location of your application in the Patent and Trademark Office has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group 150, Art Unit 152.

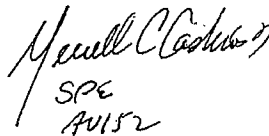
Any inquiry concerning this communication should be directed to James M. Spear at telephone number 703-557-6525.



Spear:pla

(703) 557-6525

06/11/90


SPE
AV152

LPM 000181

TO SEPARATE, HOLD TOP AND BOTTOM EDGES, SNAP-APART AND DISCARD CARBON

FORM PTO-892 (REV. 3-78)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		SERIAL NO. 413395	GROUP ART UNIT 152	ATTACHMENT TO PAPER NUMBER 4			
NOTICE OF REFERENCES CITED				APPLICANT(S) Greenspan et al.					
U.S. PATENT DOCUMENTS									
		DOCUMENT NO.	DATE	NAME	CLASS	FILING DATE IF APPROPRIATE			
A		4014995	3-77	Juliano et al.	514	783			
B		4533487	8-85	Jones	252	173			
C		4620937	11-86	Dellutri	252	162			
D									
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FOREIGN PATENT DOCUMENTS									
		DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB- CLASS	PERTINENT SHTS. DWG.	PP. SPEC.
L									
M									
N									
O									
P									
Q									
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)									
R		D-Limonene as a Degreasing Agent							
		Richard L. Coleman, The Citrus Industry							
		Vol. 56, No. 11, November, 1975, pages 23-25							
T									
U									
EXAMINER James M. Spear			DATE 6-1-90						
* A copy of this reference is not being furnished with this office action. (See Manual of Patent Examining Procedure, section 707.05 (a).)									

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